

## **ELECTION BOARD INVESTIGATIVE COMMITTEE**

**DATE:** June 7, 2007

**CALLED TO ORDER:** 5:02p.m.

**ADJOURNED:** 5:50 p.m.

### **ATTENDANCE**

#### ATTENDING MEMBERS

Jackie Nytes, Chair

Susie Day

Ron Gibson

Robert Lutz

Cherrish Pryor

Ryan Vaughn

#### ABSENT MEMBERS

Lonnell Conley

## **ELECTION BOARD INVESTIGATIVE COMMITTEE**

The Election Board Investigative Committee of the City-County Council met on Thursday, June 7, 2007. Chair Jackie Nytes called the meeting to order at 5:02 p.m. with the following members present: Susie Day, Ron Gibson, Bob Lutz, Cherrish Pryor, and Ryan Vaughn. Absent was Lonnell Conley. Council President Monroe Gray and Council Vice-President, Joanne Sanders were also in attendance. General Counsel Aaron Haith represented Council staff.

Chair Nytes welcomed everyone in attendance to the reconvened Election Board Investigative Committee and said that this first meeting is for organizational purposes to try and get the committee started for the work that is ahead.

Chair Nytes welcomed Beth White, Marion County Clerk.

Chair Nytes stated that President Gray reconvened this committee that was originally established by Proposal No. 292, 2004. She said that in the spring of 2004, the committee was asked to explore various issues related to the successful operation of our local elections. She stated that President Gray believed that it was important to reconvene this committee so that there will be an opportunity for a full discussion and exploration of the recommendations that the Council made in 2004 and the need for any additional recommendations to improve our election process and make sure it really does ensure people the best opportunity for a fair and open election.

Councillor Lutz quoted Sec. 151-33, Investigating committees, of the Revised Code, stating that the investigating committee of a council may be formed by resolution of the council for any lawful purpose. The resolution establishing the committee shall specify membership and the general nature of its investigation and subpoena power, if granted. He stated that he is concerned if the committee has the authority. He asked if Mr. Haith could look into it and clear up any questions. Mr. Haith stated that the Code requires each of those committees be peopled by either presidential appointments, majority leader appointments, or minority leader appointments. He said that the practice followed here is the recommendation of the minority and majority leaders. This is a concept that will continue: once a committee is established, that committee can be peopled and re-peopled as it goes without any loss of that committee's authority. Mr. Haith stated to Councillor Lutz that just as he and Councillors Vaughn and Pryor were added to existing committees, this is simply a re-staffing of an existing committee.

Councillor Lutz asked if there were any republicans appointed to the committee in 2004. Mr. Haith stated that they were requested in the beginning, but Minority Leader Phil Borst chose not to make appointments and the President chose not to override that

decision and make appointments. Councillor Lutz asked if it is counsel's opinion that the committee has the authority to act. Mr. Haith stated in the affirmative. Councillor Lutz asked if the committee has subpoena power. Mr. Haith answered in the affirmative.

Chair Nytes stated that the committee was provided a packet with the minutes and report of recommendations from the 2004 Election Committee meeting. She stated that the reason for this committee to reconvene is to reassure the public that their election process is as good as it can be. She said that Indianapolis prides itself on being a first-class city, and we want the public to have confidence in the election process. She said that many people have roles in the elections from the county clerk, political parties, the mayor, the voters, the volunteers, and the media.

Chair Nytes said that as the fiscal body for the city and the county, this council has to understand what it takes to pull off an election well, because at the end of the day, the council is going to have a role to play in making sure that everyone has the resources they need. She said that taking the time to do this exploration process prior to the start of the Council's budget is important, because if any of the recommendations have any budget implications, that information will be provided in detail to the individual committees that handle the budget. This will allow the various agencies to make whatever changes might be necessary to their budgets.

Councillor Nytes stated that there have been many changes in the last several years. Some of those changes were: paper ballots, electronic scanning equipment, ADA equipment, and the population shifts all affecting different precincts. Chair Nytes stated that in 2007, the biggest change has been the change in county clerks.

Councillor Lutz stated that in this last election, there were about 3,700 voters disenfranchised. He said that in his own township there were 37 precincts that opened late. He said it bothers him, because none of those voters were given the chance to vote.

Councillor Vaughn stated that it is recognized that there have been a multitude of issues concerning the recent election, and this committee is charged with the responsibility to diagnose the scope of the problem and then step back and figure out what caused those problems and develop a game plan. He said that there needs to be a more aggressive approach to the issues at hand.

Councillor Gibson said that the public deserves open and honest dialogue concerning the problems that occurred during the May 2007 election. He said there is a need for bipartisan support with some real solutions to make sure this does not happen in the future. Councillor Gibson stated that throughout this process, it may be determined that additional financial resources are needed to ensure fair and quality elections in this city.

Councillor Pryor stated that this committee is committed to making sure that every voter knows that their vote counts. She said that no one needs to be turned away or feel that

they are going out of their way to vote and then find that they cannot. She said that this is a good opportunity for the committee to look into how to we manage a change of leadership and assess whether the appropriate documentation is retained in the office, and to make sure the public knows they still have the same access to resources that they had in the past.

Beth White, Marion County Clerk, stated that she is very anxious to get started on the work that is needed to be done. She said that she considers this committee and the County Clerk's office to be a partnership. Ms. White said that democracy is not a spectator sport and that this activity requires everyone's energy. She said that it is her responsibility constitutionally and otherwise to run and organize an election, and there are thousands of people in our community who play a role. Ms. White stated that she looks forward to working towards a partnership opportunity with the Council to figure out what it is that the County Clerk's office can do to restore confidence and bring about better election processes.

Chair Nytes discussed the work plan that the committee will follow. Some of the ideas were:

- Hold a series of four meetings around the County
- Next meeting will be July 2, 2007
  - \* This agenda will include several speakers and reports from at least two of the County meetings
- Following meeting will be held on July 25, 2007
  - \* This agenda will include additional speakers and reports from the last of the County meetings
- Each meeting will accept public testimony
- Listening for preliminary recommendations
- August 1, 2007 meeting to approve any final recommendations to submit to the President for the August 6, 2007 Council meeting

Council President Gray thanked each Councillor that agreed to serve on this committee. He said that everyone here is here for the same reason, which is to make sure that every citizen that wants to vote has the opportunity to exercise his/her right to cast a ballot. Councillor Gray stated that the purpose of this committee is not to be accusatory or put the blame on any one person, but find better solutions to make the voting process fair and equal to everyone.

Chair Nytes called for public testimony.

Kathleen Dobie, resident of 606 West 43<sup>rd</sup> St., Co-coordinator and Chair of the Marion County Green Party (MCGP), thanked the committee for holding this meeting regarding the election process. She said that the disenfranchisement of hundreds of Marion County voters in May 2007 is regrettable and reprehensible and must not happen again. Ms. Dobie stated that she urges this committee to consider removing partisan control.

Ms. Dobie stated that the MCGP calls for a non-partisan independent election commission to manage voter registration and election administration. She said that the MCGP suggests letting the voter choose where to vote and that reducing the number of precincts that have to be staffed may help in the short term. Ms. Dobie stated that one suggestion is to have larger voting centers throughout the city.

Julia Vaughn, Policy Director for Common Cause, stated that Common Cause is a national not-for-profit citizens lobbying organization. Ms. Vaughn stated one of the major problems is with the partisan nature of election administration. She said that Common Cause encourages the committee to be broad in their outreach and to reach out to community groups.

Aber Handleman, citizen, asked the committee to make sure that both political parties are invited on an equal basis to attend the four county meetings. He said that participation on both sides is critical.

Councillor Vaughn asked that the committee consider having larger voting centers as a part of the agenda at some point.

Councillor Gibson suggested that the committee find out how other communities are fairing with the similar voting systems that the city has.

Frank Otte, Vice-Chairman, Marion County Election Board, stated that the Election Board has been pretty effective at doing the work and managing themselves without the partisan effect of both political parties. He said that as far as the election board, the process and responsibilities go, the board views that responsibility to every voter. Mr. Otte stated that he agrees with Councillor Pryor's statement regarding the change of leadership and that unfortunately played a significant hand in the primary election, through no fault of anyone. He said that any changes that come from this committee are going to have an affect on the board logistically and staff wise. He hopes that the committee gets input from the board as far as what it can staff and what can realistically be done. Mr. Otte stated that he looks forward to comments and suggestions.

Chair Nytes thanked Mr. Otte and said that not only does the committee want to give the election board input but the committee would hope that the election board would have recommendations as well.

Councillor Day asked if changes can be done by the November 2007 election if there are any recommendations made such as reducing the amount of precincts. Ms. White stated that it depends on what the changes are. She said that reducing the number of precincts cannot be done on their own motion. The state election board has to get involved. Ms. White stated that any change with a re-precincting plan would be implemented for the 2008 election.

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There being no further business, and upon motion duly made, the meeting was adjourned at 5:50 p.m.

Respectfully Submitted,

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Jackie Nytes, Chair

JN/lw